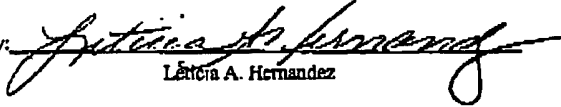


I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-703-872-9306 on July 17, 2002.

**PATENT**  
Attorney Docket No.: 015270-006444US  
Client Ref. No.: 228-US-NEW2C4

TOWNSEND and TOWNSEND and CREW LLP

By:   
Leticia A. Hernandez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

John P. Anderson et al.

Application No.: 09/724,571

Filed: November 28, 2000

For: BETA-SECRETASE ENZYME  
COMPOSITIONS AND METHODS

Examiner: Thaian N. Ton

Art Unit: 1632

**RESPONSE TO RESTRICTION  
REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed January 17, 2002, Applicants elect Group V, consisting of claims 78, 81-85, with traverse. An extension of time for five months, from March 17, 2002 to July 17, 2002, is submitted herewith.

Applicants acknowledge the Restriction Requirement's comment that "[I]nventions IV-VII, XII, and XV are undisclosed, therefore a search for this group [*sic*] would be considered an undue search burden." Nevertheless, the Examiner is requested to reconsider rejoining Group IV with Group V for prosecution in the same application.

Group IV consists of claims 78-80 and 84-85; and, Group V consists of claims 78, and 81-85. The result of the restriction is that claims 78, 84, and 85 have been restricted into two groups, *i.e.*, Group IV and Group V. Election of Group IV and prosecution of claims 78, 84, and

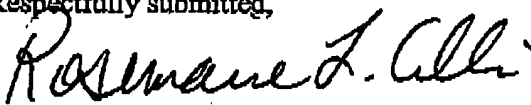
PATENT

Application No.: 09/724,571  
Page 2

85 in one application and election of Group V and prosecution of claims 78, 84 and 85 in different application might result in claims 78, 84 and 85 issuing in two separate patents for the same invention. Under 35 U.S.C. § 121, an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. "IT STILL REMAINS IMPORTANT FROM THE STANDPOINT OF THE PUBLIC INTEREST THAT NO REQUIREMENTS BE MADE WHICH MIGHT RESULT IN THE ISSUANCE OF TWO PATENTS FOR THE SAME INVENTION." (See MPEP § 803.01, emphasis found in the original.) It is respectfully submitted that it is self-evident and incontrovertible that the restriction of claims 78, 84, and 85 into Groups IV and V is improper.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
Rosemarie L. Celli  
Reg. No. 42,397

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (650) 326-2400  
Fax: (650) 326-2422  
RLC:lah  
PA 3236332 v1